KOLKATA CYCLE SAMAJ

কলকাতা সাইকেল সমাজ

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To
The Editor

Dear Sir,

In no uncertain terms, we condemn the fresh ban on cycles on 62 streets, and other NMTs on 174 streets in Kolkata as Kolkata Police has issued a notification dated on 13th February 2014. We feel betrayed when we see in the media reports that DC traffic of Kolkata Police has projected it as 'opening 112 roads in Kolkata for cycles as a consequence of long standing demands by cyclists'.

We are here reiterating that, we demanded the right to cycle on EVERY street. With this fresh ban, plight of cyclists in the Kolkata streets will remain exactly the same, if not increase, as all the roads where police usually extorts cyclists through 'fine' remain under this new ban. The harrassment has already started as a number of milkmen have been 'fined' yesterday.

We are also astonished to see a section of print media went by the version of Kolkata police and virtually reiterated and substantiated it with fictitious logic, without any question.

With pain and determination to fight to the last for a people-friendly, non-toxic Kolkata, we are here providing with a detail refutal of the fresh ban by Kolkata Police.

Yours' Sincerely

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1) Is it 'Opening of 112 out of 174 streets for cyclists', as claimed by DC traffic, KP ?

NO. It is a fresh ban. Since 29th July 2013, there was absolutely no legal restriction on Cycles and NMTs as the earlier notification on 28th May 2014 has lapsed after 2 months as per Traffic Regulation Act, 1965, as State Government had not ratified it within two months which was made clear by Department of Transport in reply to a RTI query on 26/12/2013, ref no. 4670/WT/TR/0/RTI-62/13. This new notification is a fresh ban on cycles and NMTs.

Also, Kolkata has a rich tradition of cycling as lakhs of people cycle through Kolkata for livelihood, and to reach destination conveniently. In fact it has an estimated 11% trips on cycle which is second highest among all 4 Metro City in India, according to a report by Ministry of Urban Developement, 2008. Since 2008, Kolkata police has started banning cycles on Kolkata Streets.

At the end of the day, it was a ban on 38 streets (9 am to 7 pm) in the time of CPIM-led Government, and now it is a ban on 62 streets (24 hrs in 21 streets, 7 am to 11 pm in 35 streets, most of the time in the rest) in the time of TMC-led Government, if the State Government doesn't intervene immediately.

2) Is it not a good intention by Kolkata Police, going in favour of Cyclists?

NO.

First of all, it is a clever ploy on behalf of them to bypass an elected government. In 2008 and in 2013, the ban on cyclists were notified under WBTRA, 1965 under which the Notification was bound to be ratified by State Government within two months, failing to which the order would lapse automatically. This time, the notification has been carried out under Motor Vehicles Rule, 1989 which doesn't require time bound validation from the government.

Secondly, the ban means a regular income to a section of police personnel as it is implemented as a 'fine' without receipt from a cyclist. While police takes a fine upto Rs. 100-150, they produce a fraction of the cases to Court with fine amounting to Rs. 10-20, depending on the 'petty' cases police imposes and the balance remains with the police. The existence of this corrupt money has been admitted by Hon'ble Minister of Labour, Govt. of West Bengal during a verbal communication with us. There are places, including Golpark, Dhakuria, Jadavpur PS, Bullygunj, Rasbehari, Armharst Street and many others which are notorious for this extortion of money by Kolkata police. All the places remained under cycle-ban in this fresh notification, which indicates their true motive behind this notification. We fear that extortion of cyclists will rise substantially due to this ban.

3) Is this order is in coherence with Government and High Court?

A PIL seeking restriction on Kolkata Police's authority to impose Cycle and NMT ban has been on in Kolkata High Court. Kolkata Police didn't even bother to wait for the opinion of High Court in this regard which is a clear case of inconfidence to judiciary.

In December 17 and 19, 2013 at least two Hon'ble ministers of State Government, Mr. Madan Mitra and Mr. Purnendu Basu clearly stated to us that Government do not have a policy of restricting cyclists in Kolkata Streets. Thus this fresh ban goes against the State Government.

4) Kolkata Police has done this for 'safe and uninterrupted movement of vehicular traffic'

According to Kolkata Police, the definition of 'vehicular movements' excludes some vehicles, namely Cycle, cycle-van, hand cart, pull cart! Thus, for the sake of Private cars and other motorized transport, they banned all those vehicles from plying in Kolkata roads! But, according to the urban transport understanding, road space may be segregated between public transport, private cars and two wheelers, cycles and NMTs, and pedestrians. Road space belong to all, and there must not be any discrimination between them.

This conviction has been confirmed by a Delhi High Court judgement, in the case of, *Manushi Sangathan, Delhi vs. Delhi Govt. And others* (10.02.2010). The court said in its direction to form a special tast force 'with the objective of minimizing congestion, reducing pollution levels of motor vehicles, and ensuring equitable access to all classes of vehicles that ply on the roads, including non-motorized transport such as bicycles and cycle rickshaws.'

5) But, is not safety of the cyclists a matter of concern?

First of all, banning a particular mode of transport for the safety of the same is a lunatic proposition. In fact, banning of cycles in 38 Kolkata streets, in 2008, did not reduce accidents invovling cycles and NMTs, rather increased it substantially. According to the data by Kolkata Police itself, number of accidents involving cyclists and NMTs were 47 in 2008, 53 in 2009, 107 in 2010, and 132 in 2011. Going by the logic of safety, does KP intend to ban pedestrians (1491 accidents involving them in 2011), and motorists (3133 accidents involving them in 2011) from Kolkata street?

6) 'Kolkata has 8% road space which is very low, thus NMTs should be put on hold in the streets in order to maintain roads congestion free.'

This is exactly the case for which private motorized transport should be curbed and cycle should be encouraged in Kolkata street. Private personal cars occupy a great deal of road space while commuting one or two passengers, thereby increasing 'Road Space per Commuter' ratio among all modes of transport. Thus discouraging private motorized transport, through limiting its share of road space, making parking very much expensive, through hefty pollution-tax can do betterment of Kolkata streets in terms of congestion.

7) But is not Cycle a slow moving vehicle which slows down the traffic speed?

The average traffic speed in Kolkata streets doesn't cross 15 km per hr in busy hours. Compared to that, cycle is not a 'slow moving vehicle'. Moreover, cyclists prefer to occupy only a small portion of the streets in the left side of the roads and doesn't interfare into the part of the road where motorized transports ply. Recently, Kolkata police demarcated some of the portions in some streets for bus only. In the same manner, it may demarcate the road space exclusively for cyclists, in order to segregate what they call the 'fast moving' and the 'slow moving' traffic.

8) Is it really possible to open all roads for cyclists?

We think, yes. It is not a question of possibility, rather, it is a question of willingness on behalf of authorities. Given the condition of the petroleum induced air-pollution in Kolkata, its' authorities should seriously think of aggressively promoting cycles and NMTs, and curbing personal car. We believe it is a policy matter and elected government is solely responsible for it and not an implementing authority, like Kolkata Police. In fact, Government should step in immediately and make a strong commitment towards this. If some interim prohibitions for small hours and for small stretch of limited roads remain, cyclists should be provided with alternative amicable route to reach destination.

9) 'It is not a ban, it is restriction/regulation'

Cycles are now prohibited for 24 hours in 21 streets, from 7am in the morning to 11 pm in the night in 35 streets, in most of the day-evening time in 5 streets. Almost all of them have no alternative route, and in some cases alternative routes are also under prohibition (like DH Road and James Long Sarani). Would you call it a ban or restriction?

10) 'Cycle can still ply on smaller streets'

Cycling is not a time-pass for immense majority of cyclists in Kolkata, rather an important vehicle for personal commuting, which is cheap, environment friendly, non-pollutant and effective. Can KP say the same thing for any other mode of transport? We know, they can't.

Rather this statement is a reflection of a car-owner's mindset. We should remember that still our city has less than 10 percent car trips, and those by richest of the socio-economic ladder. There exists a powerful Car-lobby which influences other institutions and persons. Through banning of cycles and NMTs, whose interest is being served, by the way?